

By: Representative Reeves

To: Oil, Gas and Other
Minerals; Judiciary A

HOUSE BILL NO. 1634

1 AN ACT TO AMEND SECTION 29-7-1, MISSISSIPPI CODE OF 1972, TO
 2 TRANSFER THE AUTHORITY OF THE MINERAL LEASE COMMISSION TO THE
 3 MISSISSIPPI MAJOR ECONOMIC IMPACT AUTHORITY; TO AMEND SECTION
 4 29-7-3, MISSISSIPPI CODE OF 1972, TO REVISE THE AUTHORITY OF THE
 5 COMMISSION TO LEASE STATE-OWNED LANDS THAT HAVE DEVELOPMENT
 6 POTENTIAL FOR OIL OR NATURAL GAS; TO AMEND SECTION 29-7-17,
 7 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS
 8 ACT; TO CREATE A NEW SECTION TO BE CODIFIED AS SECTION 29-7-19,
 9 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR HEARINGS TO BE HEARD BY
 10 THE COMMISSION; TO CREATE A NEW SECTION TO BE CODIFIED AS SECTION
 11 29-7-21, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR AN APPEALS
 12 PROCESS FOR DECISIONS MADE BY THE COMMISSION; TO BRING FORWARD
 13 SECTIONS 11-55-1, 11-55-3, 11-55-5, 11-55-7, 11-55-9, 11-55-11,
 14 11-55-13 AND 11-55-15, WHICH RELATE TO THE LITIGATION
 15 ACCOUNTABILITY ACT OF 1988, FOR PURPOSES OF AMENDMENT; AND FOR
 16 RELATED PURPOSES.

17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

18 **SECTION 1.** Section 29-7-1, Mississippi Code of 1972, is
 19 amended as follows:

20 29-7-1. (1) The Mississippi Major Economic Impact Authority
 21 shall be the mineral lease commission, and shall exercise the
 22 duties and responsibilities of the mineral lease commission * * *
 23 under the provisions of Sections 29-7-1 et seq.

24 (2) The words "mineral lease commission," whenever they may
 25 appear in the laws of the State of Mississippi, shall be construed
 26 to mean the Mississippi Major Economic Impact Authority.

27 (3) The term "commission" means the Mississippi Major
 28 Economic Impact Authority.

29 **SECTION 2.** Section 29-7-3, Mississippi Code of 1972, is
 30 amended as follows:

31 29-7-3. There shall be no development or extraction of oil,
 32 gas, or other minerals from state-owned lands by any private party
 33 without first obtaining a mineral lease therefor from the
 34 commission. The commission is hereby authorized and empowered,

35 for and on behalf of the state, to lease any and all of the state
36 land now owned (including that submerged or wherever the tide may
37 ebb and flow) or hereafter acquired, to some reputable person,
38 association, or company for oil and/or gas and/or other minerals
39 in and under and which may be produced therefrom, excepting,
40 however, sixteenth section school land, lieu lands, and such
41 forfeited tax land and property the title to which is subject to
42 any lawful redemption, for such consideration and upon such terms
43 and conditions as the commission deems just and proper.

44 Consistent with the conservation policies of this state under
45 Sections 53-1-1 et seq., the commission may offer for public bid
46 any tracts or blocks of state-owned lands not currently under
47 lease, which have been identified to the commission as having
48 development potential for oil or natural gas, not less than once a
49 year. Upon consultation with the Office of Geology in the
50 Mississippi Department of Environmental Quality and any other
51 state agency as the commission deems appropriate, the commission
52 shall promulgate rules and regulations consistent with this
53 chapter governing all aspects of the process of leasing state
54 lands within its jurisdiction for mineral development, including
55 the setting of all terms of the lease form to be used for leasing
56 state-owned lands, any necessary fees, public bidding process,
57 delay rental payments, shut-in royalty payments, and such other
58 provisions as may be required.

59 There shall not be conducted any seismographic or other
60 mineral exploration or testing activities on any state-owned lands
61 within the mineral leasing jurisdiction of the commission without
62 first obtaining a permit therefor from the commission. Upon
63 consultation with the Office of Geology in the Mississippi
64 Department of Environmental Quality and any other state agency as
65 the commission deems appropriate, the commission shall * * *
66 promulgate rules and regulations governing all aspects of
67 seismographic or other mineral exploration activity on state lands

68 within its jurisdiction, including the establishing of fees and
69 issuance of permits for the conduct of such mineral exploration
70 activities. Provided, however, that persons obtaining permits
71 from the commission for seismographic or other mineral exploration
72 or testing activities on state-owned wildlife management areas,
73 lakes and fish hatcheries, shall be subject to rules and
74 regulations promulgated therefor by the Mississippi Commission on
75 Wildlife, Fisheries and Parks which shall also receive all permit
76 fees for such testing on said lands.

77 Further, provided that each permit within the Mississippi
78 Sound or tidelands shall be reviewed by the Mississippi Commission
79 on Marine Resources and such special conditions as it may specify
80 will be included in the permit. Information or data obtained in
81 any mineral exploration activity on any and all state lands shall
82 be disclosed to the state through the Department of Environmental
83 Quality, upon demand. Such information or data shall be treated
84 as confidential for a period of ten (10) years from the date of
85 receipt thereof and shall not be disclosed to the public or to any
86 firm, individual or agency other than officials or authorized
87 employees of this state. Any person who makes unauthorized
88 disclosure of such confidential information or data shall be
89 guilty of a misdemeanor, and upon conviction thereof, be fined not
90 more than Five Thousand Dollars (\$5,000.00) or imprisoned in the
91 county jail not more than one (1) year, or both.

92 Whenever any such land or property is leased for oil and gas
93 and/or other minerals, such lease contract shall provide for a
94 lease royalty to the state of at least three-sixteenths (3/16) of
95 such oil and gas or other minerals, same to be paid in the manner
96 prescribed by the commission. Of the monies received in
97 connection with the execution of such leases, five-tenths of one
98 percent (5/10 of 1%) shall be retained in a special fund to be
99 appropriated by the Legislature, One Hundred Thousand Dollars
100 (\$100,000.00) of which amount to be used by the department for the

101 administration of the Mineral Lease Division of the Department of
102 Environmental Quality and the remainder of such amount shall be
103 deposited into the Education Trust Fund, created in Section 206A,
104 Mississippi Constitution of 1890; and two percent (2%) shall be
105 paid into a special fund to be designated as the "Gulf and
106 Wildlife Protection Fund," to be appropriated by the Legislature,
107 one-half (1/2) thereof to be apportioned as follows: an amount
108 which shall not exceed One Million Dollars (\$1,000,000.00) shall
109 be used by the Mississippi Department of Wildlife, Fisheries and
110 Parks solely for the purpose of clean-up, remedial or abatement
111 actions involving pollution as a result of the exploration or
112 production of oil or gas, and any amount in excess of such One
113 Million Dollars (\$1,000,000.00) shall be deposited into the
114 Education Trust Fund, created in Section 206A, Mississippi
115 Constitution of 1890. The remaining one-half (1/2) of such Gulf
116 and Wildlife Protection Fund to be apportioned as follows: an
117 amount which shall not exceed One Million Dollars (\$1,000,000.00)
118 shall be used by the Mississippi Commission on Wildlife, Fisheries
119 and Parks for use first in the prudent management, preservation,
120 protection and conservation of existing waters, lands and wildlife
121 of this state and then, provided such purposes are accomplished,
122 for the acquisition of additional waters and lands and any amount
123 in excess of such One Million Dollars (\$1,000,000.00) shall be
124 deposited into the Education Trust Fund, created in Section 206A,
125 Mississippi Constitution of 1890. However, in the event that the
126 Legislature is not in session to appropriate funds from the Gulf
127 and Wildlife Protection Fund for the purpose of clean-up, remedial
128 or abatement actions involving pollution as a result of the
129 exploration or production of oil or gas, then the Mississippi
130 Department of Wildlife, Fisheries and Parks may make expenditures
131 from this special fund account solely for said purpose. The
132 commission may lease the submerged beds for sand and gravel on
133 such a basis as it may deem proper, but where the waters lie

134 between this state and an adjoining state, there must be a cash
135 realization to this state, including taxes paid for such sand and
136 gravel, equal to that being had by such adjoining state, in all
137 cases the requisite consents therefor being lawfully obtained from
138 the United States.

139 The Department of Environmental Quality is authorized to
140 employ competent engineering personnel to survey the territorial
141 waters of this state in the Mississippi Sound and the Gulf of
142 Mexico and to prepare a map or plat of such territorial waters,
143 divided into blocks of not more than six thousand (6,000) acres
144 each with coordinates and reference points based upon longitude
145 and latitude surveys. The commission is authorized to adopt such
146 survey, plat or map for leasing of such submerged lands for
147 mineral development; and such leases may, after the adoption of
148 such plat or map, be made by reference to the map or plat, which
149 shall be on permanent file with the commission and a copy thereof
150 on file in the Office of the State Oil and Gas Board.

151 **SECTION 3.** Section 29-7-17, Mississippi Code of 1972, is
152 amended as follows:

153 29-7-17. (1) Any person found by the commission to be
154 violating any of the provisions of Section 29-7-3, or any rule or
155 regulation or written order of the commission in pursuance
156 thereof, or any condition or limitation of a permit shall be
157 subject to a civil penalty of not more than Ten Thousand Dollars
158 (\$10,000.00) for each violation, such penalty to be assessed and
159 levied by the commission after a hearing as hereinafter provided.
160 Each day upon which a violation occurs shall be deemed a separate
161 and additional violation. Appeals from the imposition of a civil
162 penalty may be taken to the appropriate chancery court in the same
163 manner as appeals from the orders of the commission. If the
164 appellant desires to stay the execution of a civil penalty
165 assessed by the commission, he shall give bond with sufficient
166 resident sureties of one or more guaranty or surety companies

167 authorized to do business in this state, payable to the State of
168 Mississippi, in an amount equal to double the amount of any civil
169 penalty assessed by the commission, as to which the stay of
170 execution is desired, on the condition that if the judgment shall
171 be affirmed the appellant shall pay all costs of the assessment
172 entered against him.

173 (2) In lieu of, or in addition to, the penalty provided in
174 subsection (1) of this section, the commission shall have power to
175 institute and maintain in the name of the state any and all
176 proceedings necessary or appropriate to enforce the provisions of
177 Section 29-7-3, rules and regulations promulgated, and orders and
178 permits made and issued thereunder, in the appropriate circuit,
179 chancery, county or justice court of the county in which venue may
180 lie. The commission may obtain mandatory or prohibitory
181 injunctive relief, either temporary or permanent, and it shall not
182 be necessary in such cases that the state plead or prove: (i)
183 that irreparable damage would result if the injunction did not
184 issue; (ii) that there is no adequate remedy at law; or (iii) that
185 a written complaint or commission order has first been issued for
186 the alleged violation.

187 (3) Any person who violates any of the provisions of, or
188 fails to perform any duty imposed by, Section 29-7-3 or any rule
189 or regulation issued hereunder, or who violates any order or
190 determination of the commission promulgated pursuant to such
191 section, and causes the death of fish, shellfish, or other
192 wildlife shall be liable, in addition to the penalties provided in
193 subsections (1), (2), (4) and (5) of this section, to pay to the
194 state an additional amount equal to the sum of money reasonably
195 necessary to restock such waters or replenish such wildlife as
196 determined by the commission after consultation with the
197 Mississippi Commission on Wildlife, Fisheries and Parks. Such
198 amount may be recovered by the commission on behalf of the state

199 in a civil action brought in the appropriate county or circuit
200 court of the county in which venue may lie.

201 (4) Any person who, through misadventure, happenstance or
202 otherwise causes damage to or destruction of state-owned lands or
203 structures or other property thereon necessitating remedial or
204 clean-up action shall be liable for the cost of such remedial or
205 clean-up action and the commission may recover the cost of same by
206 a civil action brought in the circuit court of the county in which
207 venue may lie. This penalty may be recovered in lieu of or in
208 addition to the penalties provided in subsections (1), (2), (3)
209 and (5) of this section.

210 (5) It shall be unlawful for any person to conduct
211 unauthorized mineral exploration, development, or extraction
212 activity or to violate the provisions of Section 29-7-3 or the
213 rules and regulations of the commission which relate to mineral
214 exploration, development, or extraction activity and, upon
215 conviction thereof, such person shall be guilty of a misdemeanor,
216 and fined not less than Five Hundred Dollars (\$500.00) nor more
217 than Five Thousand Dollars (\$5,000.00) for each offense. Each day
218 on which such violation occurs or continues shall constitute a
219 separate offense.

220 (6) In lieu of or in addition to the penalties prescribed
221 hereinabove, any person convicted by a court of law or found
222 guilty by the commission of unlawful mineral extraction activity
223 on state-owned lands shall repay to the state the fair market
224 value of the minerals unlawfully extracted.

225 (7) Proceedings before the commission on civil violations
226 prescribed hereinabove shall be conducted in the manner set forth
227 in this chapter.

228 **SECTION 4.** The following shall be codified as Section
229 29-7-19, Mississippi Code of 1972:

230 29-7-19. (1) The hearings, as provided under Section
231 29-7-21(1) may be conducted by the commission itself at a regular

232 or special meeting of the commission, or the commission may
233 designate a hearing officer, who may conduct such hearings in the
234 name of the commission at any time and place as conditions and
235 circumstances may warrant. The hearing officer shall have the
236 record prepared of any hearing that he has conducted for the
237 commission. The record shall be submitted to the commission along
238 with that hearing officer's findings of fact and recommended
239 decision. Upon receipt and review of the record of the hearing
240 and the hearing officer's findings of fact and recommended
241 decision, the commission shall render its decision in the matter.
242 The decision shall become final after it is entered on the minutes
243 and shall be considered the final administrative agency decision
244 on the matter. The decision may be appealed under Section
245 29-7-21(2).

246 (2) All hearings before the commission shall be recorded
247 either by a court reporter, tape or mechanical recorders and
248 subject to transcription upon order of the commission or any
249 interested party, but if the request for transcription originates
250 with an interested party, that party shall pay the cost thereof.

251 **SECTION 5.** The following shall be codified as Section
252 29-7-21, Mississippi Code of 1972:

253 29-7-21. (1) Any person or interested party aggrieved by
254 any final rule, regulation, permit or order of the commission may
255 file a petition with the commission within twenty (20) days after
256 the final rule, regulation, permit or order is entered on the
257 minutes. The petition shall set forth the grounds and reasons for
258 the complaint and requests a hearing of the matter involved.
259 However, there shall be no hearing on the same subject matter that
260 has previously been held before the commission or its designated
261 hearing officer. The commission shall fix the time and place of
262 the hearing and notify the petitioners thereof. In pending
263 matters, the commission shall have the same powers as to
264 subpoenaing witnesses, administering oaths, examining witnesses

265 under oath and conducting the hearing, as is now vested by law in
266 the Mississippi Public Service Commission, as to hearings before
267 it, with the additional power that the executive director may
268 issue all subpoenas, both at the instance of the petitioner and of
269 the commission. At the hearings the petitioner, and any other
270 interested party, may offer exhibits, present witnesses, and
271 otherwise submit evidence, as the commission deems appropriate.
272 After the hearing, the commission's decision shall be deemed the
273 final administrative agency decision on the matter.

274 (2) Any interested person aggrieved by any final rule,
275 regulation, permit or order of the commission issued under this
276 section, regardless of the amount involved, shall appeal to the
277 Chancery Court of the First Judicial District of Hinds County,
278 Mississippi, which shall be taken and perfected as hereinafter
279 provided, within thirty (30) days from the date that the final
280 rule, regulation or order is filed for record in the office of the
281 commission. The chancery court may affirm the rule, regulation,
282 permit, or order, or reverse the same for further proceedings as
283 the court may require. All appeals shall be on the record, taken
284 and perfected, heard and determined either in termtime or in
285 vacation, including a transcript of pleadings and testimony, both
286 oral and documentary, filed and heard before the commission, and
287 the appeal shall be heard and disposed of promptly by the court as
288 a preference cause. In perfecting any appeal provided by this
289 section, the provisions of law respecting notice to the reporter
290 and the allowance of bills of exception, now or hereafter in force
291 respecting appeals from the chancery court to Supreme Court shall
292 be applicable. However, the reporter shall transcribe his notes
293 and file the transcript of the record with the board within thirty
294 (30) days after approval of the appeal bond. Notwithstanding
295 provisions of any other law to the contrary, the remedy provided
296 herein is the exclusive remedy available for any interested person
297 aggrieved by any final rule, regulation, permit or order of the

298 commission, and no injunctive relief may be awarded by any other
299 court or judge to restrain any action of the commission under this
300 chapter.

301 (3) Upon the filing with the commission of a petition for
302 appeal to the Hinds County Chancery Court, it shall be the duty of
303 the commission, as promptly as possible and within sixty (60) days
304 after approval of the appeal bond, if required, to file with the
305 clerk of the chancery court to which the appeal is taken, a copy
306 of the petition for appeal and of the rule, regulation, permit or
307 order appealed from, and the original and one (1) copy of the
308 transcript of the record of proceedings in evidence before the
309 commission. After the filing of the petition, the appeal shall be
310 perfected by the filing with the clerk of the chancery court to
311 which the appeal is taken of bond in the sum of Five Hundred
312 Dollars (\$500.00) with two (2) sureties or with a surety company
313 qualified to do business in Mississippi as the surety, conditioned
314 to pay the cost of the appeal; the bond to be approved by any
315 member of the commission, or by the clerk of the court to which
316 the appeal is taken. The perfection of an appeal shall not stay
317 or suspend the operation of any rule, regulation, permit or order
318 of the board, but the judge of the chancery court to which the
319 appeal is taken may award a writ of supersedeas to any rule,
320 regulation, permit or order of the commission after five (5) days
321 notice to the commission and after hearing. Any order or judgment
322 staying the operation of any rule, regulation, permit or order of
323 the commission shall contain a specific finding, based upon
324 evidence submitted to the chancery judge and identified by
325 reference thereto, that great or irreparable damage would result
326 to the appellant if he is denied relief, and the stay shall not
327 become effective until a supersedeas bond shall have been executed
328 and filed with and approved by the clerk of the court or the
329 chancery judge, payable to the state. If the appeal is of a
330 commission order concerning the lease of state lands for minerals

331 then a bond amount equal to one hundred twenty-five percent (125%)
332 of the amount bid for the lease shall be posted by the appellant.
333 If the appeal is of a commission permit then a bond amount equal
334 to Fifty Thousand Dollars (\$50,000.00) times the number of square
335 miles covered in the permit shall be posted by the appellant. In
336 all other cases, the bond shall be in an amount fixed by the
337 chancery judge and conditioned as the chancery judge may direct in
338 the order granting the supersedeas.

339 **SECTION 6.** Section 11-55-1, Mississippi Code of 1972, is
340 brought forward as follows:

341 11-55-1. This chapter may be cited as the "Litigation
342 Accountability Act of 1988."

343 **SECTION 7.** Section 11-55-3, Mississippi Code of 1972, is
344 brought forward as follows:

345 11-55-3. The following words and phrases as used in this
346 chapter have the meaning ascribed to them in this section, unless
347 the context clearly requires otherwise:

348 (a) "Without substantial justification," when used with
349 reference to any action, claim, defense or appeal, including
350 without limitation any motion, means that it is frivolous,
351 groundless in fact or in law, or vexatious, as determined by the
352 court.

353 (b) "Person" means any individual, corporation,
354 company, association, firm, partnership, society, joint stock
355 company or any other entity, including any governmental entity or
356 unincorporated association of persons.

357 (c) "Action" means a civil action that contains one or
358 more claims for relief, defense or an appeal of such civil action.
359 For the purposes of this chapter only, an "action" also means any
360 separate count, claim, defense or request for relief contained in
361 any such civil action.

362 **SECTION 8.** Section 11-55-5, Mississippi Code of 1972, is
363 brought forward as follows:

364 11-55-5. (1) Except as otherwise provided in this chapter,
365 in any civil action commenced or appealed in any court of record
366 in this state, the court shall award, as part of its judgment and
367 in addition to any other costs otherwise assessed, reasonable
368 attorney's fees and costs against any party or attorney if the
369 court, upon the motion of any party or on its own motion, finds
370 that an attorney or party brought an action, or asserted any claim
371 or defense, that is without substantial justification, or that the
372 action, or any claim or defense asserted, was interposed for delay
373 or harassment, or if it finds that an attorney or party
374 unnecessarily expanded the proceedings by other improper conduct
375 including, but not limited to, abuse of discovery procedures
376 available under the Mississippi Rules of Civil Procedure.

377 (2) No attorney's fees or costs shall be assessed if a
378 voluntary dismissal is filed as to any action, claim or defense
379 within a reasonable time after the attorney or party filing the
380 action, claim or defense knows or reasonably should have known
381 that it would not prevail on the action, claim or defense.

382 (3) When a court determines reasonable attorney's fees or
383 costs should be assessed, it shall assess the payment against the
384 offending attorneys or parties, or both, and in its discretion may
385 allocate the payment among them, as it determines most just, and
386 may assess the full amount or any portion to any offending
387 attorney or party.

388 (4) No party, except an attorney licensed to practice law in
389 this state, who is appearing without an attorney shall be assessed
390 attorney's fees unless the court finds that the party clearly knew
391 or reasonably should have known that such party's action, claim or
392 defense or any part of it was without substantial justification.

393 **SECTION 9.** Section 11-55-7, Mississippi Code of 1972, is
394 brought forward as follows:

395 11-55-7. In determining the amount of an award of costs or
396 attorney's fees, the court shall exercise its sound discretion.

397 When granting an award of costs and attorney's fees, the court
398 shall specifically set forth the reasons for such award and shall
399 consider the following factors, among others, in determining
400 whether to assess attorney's fees and costs and the amount to be
401 assessed:

402 (a) The extent to which any effort was made to
403 determine the validity of any action, claim or defense before it
404 was asserted, and the time remaining within which the claim or
405 defense could be filed;

406 (b) The extent of any effort made after the
407 commencement of an action to reduce the number of claims being
408 asserted or to dismiss claims that have been found not to be
409 valid;

410 (c) The availability of facts to assist in determining
411 the validity of an action, claim or defense;

412 (d) Whether or not the action was prosecuted or
413 defended, in whole or in part, in bad faith or for improper
414 purpose;

415 (e) Whether or not issues of fact, determinative of the
416 validity of a party's claim or defense, were reasonably in
417 conflict;

418 (f) The extent to which the party prevailed with
419 respect to the amount of and number of claims or defenses in
420 controversy;

421 (g) The extent to which any action, claim or defense
422 was asserted by an attorney or party in a good faith attempt to
423 establish a new theory of law in the state, which purpose was made
424 known to the court at the time of filing;

425 (h) The amount or conditions of any offer of judgment
426 or settlement in relation to the amount or conditions of the
427 ultimate relief granted by the court;

428 (i) The extent to which a reasonable effort was made to
429 determine prior to the time of filing of an action or claim that

430 all parties sued or joined were proper parties owing a legally
431 defined duty to any party or parties asserting the claim or
432 action;

433 (j) The extent of any effort made after the
434 commencement of an action to reduce the number of parties in the
435 action; and

436 (k) The period of time available to the attorney for
437 the party asserting any defense before such defense was
438 interposed.

439 **SECTION 10.** Section 11-55-9, Mississippi Code of 1972, is
440 brought forward as follows:

441 11-55-9. Nothing in this chapter shall be construed to
442 prevent an attorney and his client from negotiating in private the
443 actual fee which the client is to pay the client's attorney.
444 Nothing in this chapter is intended to limit the authority of the
445 court to approve written stipulations filed with the court or oral
446 stipulations in open court agreeing to no award of attorney's fees
447 or costs, or an award of attorney's fees or costs in a manner
448 different than that provided in this chapter.

449 **SECTION 11.** Section 11-55-11, Mississippi Code of 1972, is
450 brought forward as follows:

451 11-55-11. This chapter shall apply in all cases unless
452 attorney's fees are otherwise specifically provided by statute or
453 court rule, in which case the provision allowing the greater award
454 shall prevail.

455 **SECTION 12.** Section 11-55-13, Mississippi Code of 1972, is
456 brought forward as follows:

457 11-55-13. If any section, paragraph, sentence, phrase or any
458 part of this chapter shall be held invalid or unconstitutional,
459 such holding shall not affect any other section, paragraph,
460 sentence, clause, phrase or part of this chapter which is not in
461 and of itself invalid or unconstitutional. Moreover, if the
462 application of this chapter, or of any portion of it, to any

463 person or circumstance is held invalid, the invalidity shall not
464 affect the application of this chapter to other persons or
465 circumstances which can be given effect without the invalid
466 provision or application.

467 **SECTION 13.** Section 11-55-15, Mississippi Code of 1972, is
468 brought forward as follows:

469 11-55-15. This chapter shall apply to any suit or claim or
470 defense or appeal filed or perfected subsequent to the effective
471 date of this chapter. It shall also apply to any suit or claim or
472 defense or appeal which has been filed or perfected prior to the
473 effective date of this act and which is not dismissed within one
474 hundred eighty (180) days after the effective date of this chapter
475 [July 1, 1988].

476 **SECTION 14.** This act shall take effect and be in force from
477 and after July 1, 2004.